Dirksen and Civil Rights *The Editors*

THE NEW REPUBLIC

June 6, 1964, 35 cents

The Bail Scandal

Ronald Goldfarb

Will Bobby Run? — *Murray Kempton*

Cars and Wages — *Hobart Rowen*

Buy a Gun — *James Ridgeway*

Security for Israel — *Comment*

A Novel Novel — *Stanley Kauffmann*

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T.R.B. *from Washington*

Barry in Asia

★ Goldwater finally said out loud, on TV, what every reporter who has watched him had hoped he would say some day: that he would use nuclear weapons in Asia.

But the talented Howard K. Smith of ABC, on the "Issues and Answers" TV show, deferentially led Barry on, smooth as cream. A defensive war? – "It is never won," said the Senator. How about outside supply routes in Vietnam? – We should "interdict" them. Where? – "Through North Vietnam, Laos or Cambodia." And how would you do it? – "Defoliation of the forests, by low-yield atomic weapons. . . ." Exit Barry.

We have never disliked Goldwater, as a person. It was fun to hate McCarthy, who was a Yahoo and a boor. Goldwater is open, unassuming and disarmingly frank under normal circumstances. He is also a thundering anachronism. We think the skids are under him now, as we said last week. His gag of showing the toy arrow apparently stuck in his back after the Eisenhower statement seemed to us ill-advised, from his standpoint, and revealed his defensiveness.

We hear more and more talk about Scranton, largely, it seems, because there is nobody else. Nixon? He can't carry California. But he will probably have his fling on the San Francisco third ballot.

National Debt

★ The Spring rite of raising the national debt limit is going on. The debt is going up because the US is growing and needs a bigger debt the way a growing child needs bigger shoes. The Republicans bring out this poor, tired old hack every year and get what mileage they can out of it, which isn't much. We found ourselves irritated by the N.Y. *Herald-Tribune*, though, which is a bright paper and should know better. "Much is made by apologists for deficit financing," it says in a lead editorial, "of a supposed parallel between federal debt and corporate borrowing for investment. . . . But it isn't that simple. Corporate debts are, in effect, self-liquidating. . . . Government debts are simply a costly deferral of the payment of current bills."

This simply isn't so. If the editorial writer thinks that, the *Herald-Tribune* should fire him. The AT&T and GM are never going to pay off their debt; not, that is, unless they go bankrupt. The Treasury is never going to pay off its debt; not, that is, unless it wants to ruin us. Why isn't federal investment in good roads, school aid, TVA's – some self-liquidating, some not – as wise as the expansion of a big corporation? The comment that government debts "are simply a costly deferral of the payment of current bills" is the kind of Eisenhower phrase that always made us want to retch.

Kennedy in his New Haven speech once tried to battle these myths. They find currency only in the USA. Other nations look on us in wonder. Here the government itself accepts them when, for example, it says its debt is around "$315 billions." But this is *gross* debt, including a lot of money the government owes itself, like trust fund IOU's it takes out of one pocket and puts in another. It is a maximum figure, used as a bogey, to scare people. Actual government debt held by the public (and we have just checked it) is only around $219 billion, or about one-third less than the Scarecrow Debt.

We go over these points again and again. Corporate debt and state-local debt are expanding many times faster than federal debt. The burden of the federal debt, per capita, per national income, per GNP – or per almost any other standard you can mention – is sinking, not rising. Furthermore, where the debt has risen it's primarily because of defense spending. The civilian side is being starved.

"The peacetime outlays of the federal government have hardly moved in 16 years," Stuart Chase sadly notes in his admirable new book, "Money to Grow On" ($3.95; Harpers). The fact is that the federal debt is *not growing fast enough*. If LBJ really takes his war on poverty seriously (or wants to block off another recession) he will do something about faster spending before long.

Switch to LBJ

★ Henry Ford II, a Republican, publicly announces he's for LBJ. We hear rumors all over Washington of other big corporate executives switching to Johnson. Lippmann says that he "is the first Democratic President to make a kind of peace with the business community"; he is ending 30 years of "deep alienation" between the Democratic Party and business. This is something to ponder.

Business disliked Kennedy because they couldn't understand him. He awed and frightened them. He cracked down on US Steel man Roger Blough (when the latter thumbed his nose at the White House) and business never forgave it. Even when Kennedy gave business a faster write-off tax break, the US Chamber of Commerce called it a "gimmick." He was "against business" – *i.e.*, asserted federal authority.

The permanence of the present business affair with Johnson remains to be seen. He consults with businessmen and flatters them, which is legitimate. He has boosted profits, and economized lights in the White House. His earthy speech they like and understand. He looks like a political winner and everybody likes to be on a winner's side. He talks about curbing spending (so did FDR in 1933). His war on poverty isn't enough to frighten business. He is opening up trade with the Soviets.

Can this last? That's the question. Can any President keep unions and management, producer and consumer, big man and little man, all on his side at once? We doubt it.

Sooner or later, we guess – probably after the election – the choice will come. One side or the other will decide it is being fooled. As between Big Business and Big Government, we prefer to see the two warily watching each other; respectful maybe but also deeply suspicious. What worries us is when they begin to utter soft nothings and then begin to look yearningly into each other's eyes.

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Dirksen Amendments

By and large, the amendments to the civil rights bill agreed to on the 64th day of debate by Senators Dirksen and Humphrey and Attorney General Kennedy – designed primarily to win over reluctant Republicans and which may make possible cloture in the Senate – do little damage to, and in some ways improve the substance of the bill.

The public accommodations and the employment sections of the bill as passed by the House were meant to declare new federal rights, but voluntary compliance was always the underlying aim. It was never expected that the federal government would use coercive power otherwise than sparingly, or that there would ever be enough government investigators and lawyers or enough federal judges to achieve the millennium by litigation. Instead, certain forms of private pressure, such as sit-ins, would be legalized and helped to succeed. The federal government, in numerous ways, including mediation, would itself exert pressure more firmly and more massively than in the past, if for no other reason than that the hands of the executive and the judiciary would be strengthened by the adherence of Congress – at long last – to the common objective of equal rights.

The Dirksen amendments now before the Senate give even higher priority to voluntary compliance, and in that connection substitute new enforcement procedures. For example, the House bill would have let both aggrieved individuals and the Attorney General bring suit for enforcement in case of discrimination in public accommodations; the employment title permitted an Equal Employment Opportunities Commission to do so. It was left pretty well up to them to decide when and whether to sue. The Dirksen amendments change this. Thus, as to public accommodations, the Attorney General may sue only when he has reason to believe that "any person or group of persons is engaged in a pattern or practice of resistance," whatever exactly that may mean. But then whatever it may mean, it is quite likely to contain all the suits the Attorney General was going to get around to bringing in the next few years anyway. As the House bill stood, with the Attorney General's litigating authority reaching across the board, courts might have regarded private suits as presumptively unmeritorious. (The Attorney General *could* have brought them; why didn't he?). The Dirksen amendments encourage private suits through a potentially far-reaching and welcome provision authorizing the court to appoint an attorney for the complainant and let him proceed without payment of court costs. But the complainant may not proceed at will.

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In a state which itself prohibits discrimination in public accommodations, a complaint must first be made to state authorities; the federal suit may then be stayed by the court, pending termination of the state proceedings. No time is placed on the state proceedings unfortunately; it will be up to the courts to impose one, and segregation-minded judges can be expected to read the statute unsympathetically. The only remedy here is greater care in making judicial appointments.

Any local Fair Employment Commission is given 90 days under the Dirksen amendments, with limited extensions, during which to deal with a complaint. Only thereafter may it be filed with the federal Equal Employment Opportunities Commission, which in turn has the power to investigate, and which gets 30-90 days to secure voluntary compliance. Then there may be a private suit, the court again being authorized to appoint a lawyer for the complainant. The Commission itself has no litigating authority, except as it may initiate civil contempt actions when a decree handed down in a private suit is disobeyed. However, as under the public accommodations title, the Attorney General may sue when he finds that there is "a pattern or practice of resistance." Thus the comments made about the amendments to the public accommodations title are applicable here. There are, however, some additional points to be noted in the fair employment title.

The nonsensical and doubtless unconstitutional House provision that would have denied to "atheists" the fair employment protection enjoyed by others has been thrown out. But it seems regrettable that investigative and enforcement authority is not centered by the Dirksen amendments in the new, single-purpose Commission, rather than being divided between the Commission and an overburdened Attorney General. It is too bad also – and this is more than a trivial detail – that a loosely-worded amendment – Section 709 (d) – cuts so deeply into the Commission's power to require that employers keep adequate personnel records. Indeed, this amendment is so drafted that while the federal Commission may apparently supplement the record-keeping provisions of a local statute that has any, it may impose none if the local law does not. The opportunities this offers for evasion are plain. Large employers presumably keep personnel records anyway, but small ones may not, and what this amendment obstructs is not so much enforcement as the Commission's efforts to get at the facts, to separate the spurious from the real complaint of job discrimination and to bargain effectively for voluntary compliance.

The total effect of the Dirksen amendments, as we have said, is to encourage more private, rather than official, legal initiatives. The effect is also to activate or enact local anti-discrimination laws. With their explicit provisions for the prior exercise of local jurisdiction, the amendments can do little if any harm in most Northern states. But in the South, it is otherwise. Here the amendments invite the enactment of "anti-discrimination" laws solely for the purposes of delay and obstruction. This is not a pleasing prospect, and the only compensation is that laws have a way of developing a being of their own, given time. Southern "anti-discrimination" statutes, enacted to obstruct, may end by actually serving a purpose that was originally intended to be merely ostensible. The statute book has had cynical framers before in our history and has blandly risen above them.

In their candid emphasis on inducing compliance rather than on enforcement, the amendments revive the Community Relations Service, which had been virtually scuttled in the House, and this is in every respect an improvement. The silly provision limiting that Service to six employees is struck, and courts are authorized to refer public accommodations cases to the Service for a 180-day period of mediation in an effort to obtain voluntary compliance. Regardless of lawsuits, and regardless also of the existence of local anti-discrimination statutes, the Service may offer its good offices, upon request or of its own volition, in resolving racial disputes. If this Service is promptly and ably staffed, and if it quickly establishes its bona fides, it may do more than anything else in the bill both to advance the cause of civil rights and to prevent bloodshed. For in the months or even years ahead, more is likely to go on in the streets than in court, and here is an agency that itself can go in the street.

Is it time for three cheers? Not yet, and not even when (and if) this civil rights bill is signed by the President. One may at this point, however, put in an appreciative word for Mr. Dirksen. Such men as Kuchel, Javits, Case and a handful of other Republican Senators have always known what had to be done for civil rights. Not Mr. Dirksen. He has not always been right; if he had been, he would be less useful than he is. For he provides that bridge over which a sizable body of the wary can move into the modern world. To have led them across is no small contribution.

SUMMER SCHEDULE

During the summer months,
The New Republic will not appear on:

July 18 *August 1*
August 15 *August 29*

Weekly publication will be resumed with the issue dated September 5

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Diplomatic Poker

Actual or reported battles in Vietnam will tend to get less attention than diplomatic poker, as the rainy season approaches in the Mekong Delta and on the Plaine des Jarres. Unfortunately, the US hand in Southeast Asia has rarely been weaker, though this has not prevented the Administration from bluffing very hard on it. The reasons for doing so are fairly obvious – and apply though in lesser degree to Cuba as well as to South Vietnam. The party in power is being harried by its critics, and this is the year of an election in which President Johnson dreams of bringing off the unprecedented *coup* of winning all 50 states. It is in response to Republican admonitions to be bloody (Senator Goldwater) or at least bolder and more resolute (Senator Dirksen) that the Administration threateningly flexes its muscles in Southeast Asia, as well as letting it be hinted that there may be more raids, by Cubans, on Cuba that the CIA will pretend to be pleasantly surprised by.

Probably it does not much matter if Castro fails to exhibit appropriate terror, provided the domestic critics of inaction over Cuba are kept quiet until November. But the Administration seems to be really concerned to make terrifying faces at Hanoi and Peking. When the Security Council asked Mr. Stevenson to disavow Goldwater's talk about the use of atomic bombs in Vietnam, the US Ambassador to the UN retorted that the US would use "whatever means are necessary" to carry out its policy there. Earlier, Secretary of State Rusk threatened that the war might be expanded, and he has begged Hanoi and Peking to read his signals with great care. Other spokesmen for Mr. Johnson have made no bones about drawing an analogy between the US in Asia and the US in Europe, and saying that in Asia as in Europe US nuclear might exists to be used if necessary.

Why is the Administration so anxiously insisting that it is the very reverse of a paper tiger in Asia? Because it greatly fears that it is about to be dragged unwillingly to a conference table with 14 chairs including one for China, where it would quite likely come off worst unless it can make its opponents believe, or even half-believe, in advance, that the US if pushed too far really would hit hard at the Communist sanctuaries. In other words the US is brandishing its bombs in case it has to parley, and is hoping that Hanoi at least will think twice before risking the physical destruction of all that the North Vietnamese Communists have built up over 10 years.

The trouble with this bit of poker playing is that it may frighten friends more than foes. In South Vietnam itself, General Khanh is reported to have forcefully rejected the notion of hitting at the north, protesting that he needs far more time to build his strength with his own people. And even the Thais appear cold about US forces being stationed on their territory, as an earnest to the Communists of US firmness. Perhaps the best plan after all would be to cease resisting an international conference on Vietnam, Laos and Cambodia. Having been thrown this lifeline, the US should not insist on throwing it back. Such a conference might, just conceivably, indicate an honorable way out of present dilemmas. At the least, it would tide the Administration over November.

Opening School Doors

The most resourceful, determined, peaceable, and in its tragic way successful resistance to the Supreme Court's school desegregation decision of 1954 has been that of Prince Edward County, Virgina. As of this year, there are no public schools in Prince Edward County. The whites have been educated privately for some time, and the Negroes, after going without any education at all, have this year also had a private school. But the Supreme Court has now held that the public schools must be reopened, since to close them for the sole purpose of preventing their desegregation is unconstitutional.

This holding presented no doctrinal difficulties. It follows a similar case in Louisiana, and comes as no surprise. Some eyebrows were raised, however, by Mr. Justic Black's direction to the federal district court to issue an order to the county officers, if necessary, requiring them on pain of contempt of court to levy school taxes, which Prince Edward County is no longer doing. But an order to levy taxes, if it should come to that, would not be unprecedented. In a different context, more than a generation ago, the court held that judicial authority to do this is not lacking. (The case, for easy reference, is *Hendrickson* v *Apperson*, 245 US 105 [1917].) And in 1918, in *Virginia* v *West Virginia* (246 US 565), the court threatened to issue a decree – although in the end it did not need to – requiring the West Virginia legislature as such, not just a county supervisor, to levy taxes. If this was felt to be coercion, thoughtfully remarked Chief Justice Edward D. White, a Louisianan, the answer was that the issue had been settled by the Civil War.

Public schools will be reopened in Prince Edward County, but they are likely to be all Negro, or so nearly all Negro that the difference is barely discernible. The whites are likely to continue in their private schools, receiving state aid in the form of individual tuition grants. The next stage in the Prince Edward County litigation will be to test whether "private" schools born and reared in such circumstances and supported by the state in this fashion are not in essence so public

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that they can also be required to desegregate.

The Supreme Court on May 25 also returned to the lower court, without deciding, the Atlanta school desegregation case. A lower federal court had accepted token desegregation – a handful of specially selected Negro children in a new white school – superimposed on a school system that continues essentially segregated. The Atlanta school board promised, when the case was argued in the Supreme Court, to present a new and more genuine plan. The Atlanta case would have provided an opportunity for the Supreme Court to hold that the grade-a-year plan must be speeded up. This is plainly the Court's mood, and an explicit decision to this effect may confidently be expected soon.

Pandit Nehru

Close as Pandit Nehru was to Mahatma Gandhi, in significant ways no two men were so dissimilar. One drew on India's religious experience; the other, an agnostic, longed to depart from it. Gandhi respected the relics of the ancient order, the princes and the big landlords. Nehru made short shrift of them.

In the story of India's independence, Gandhi and Nehru played complementary parts. Gandhi awakened India's pride on the basis of her history; Nehru conjured up a picture of a strong, industrialized nation. He had thought deeply about the problems of independent India. He had written the outlines of its democratic Constitution way back in 1931 – 15 years before becoming its first Prime Minister. He had worked laboriously on an economic plan years before he introduced the concept of democratic planning. He was India's unofficial Foreign Minister before he took the official portfolio.

"Come Rest With Me."

If he held India together, he owed his success to hard work both before and after he became Prime Minister, to his broad British education and his knowledge of history on which he drew while making fresh history. His achievements and his failings would need to be judged against the fact that no other contemporary statesman was confronted with a more complex task: the sheer size of India, its huge population, its poor economic base.

He is known abroad chiefly for his foreign policy; but foreigners often did not realize that this policy subserved India's national aims. He steered clear of entanglements, for to him peace in India's economic infancy was an imperative. He succeeded in keeping India away from war until the Chinese imposed it on him. Confessing failure of his policy in relation to China, he sought to strengthen India militarily with the help of Soviet Russia and the West. That both sides should have hastened to assist him was a measure of the success of his policy. In this he was also assisted by the Sino-Soviet estrangement, and the current relaxation in East-West tensions.

His death leaves many gaps, for he was not only Prime Minister but also Foreign Minister and, as Chairman of the Planning Commission, India's economic Czar. No one man can wear his mantle. It now falls on the people of India whom he served for over four decades.

Computer Confession

"A studied above machine at all has not intuition, it has only accurate the data. Possible whether to give a machine an intuition, it at once threw back maloperspektivnye variants and effected comparison only small their numbers" – A Georgetown University mechanical translation from the Russian.

This computer confession pretty well summarizes the current predicament of mechanical translation, or MT. The robots and their trainers have stumbled so badly over the mysteries of semantics that most of the early ballyhoo about MT has evaporated.

MT is largely a child of post-Sputnik excitement,

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when officials discovered that an advance hint of Sputnik I's launch had appeared in a Soviet radio engineering journal. Presumably this could have been acted upon had there been timely translation and dissemination of the news. Since Soviet science was immediately hailed as a super-science, a clamor arose to read or scan not merely half of the 800 million words pouring out of Russia each year in technical journals (as is done now), but all of it. MT was seen as the answer.

In theory, MT seemed to offer the big advantage of speed. A computer can disgorge 50,000 translated Russian words in an hour. A human translator plods along at the rate of about 2,600 words a day.

The government began to subsidize a small army of MT researchers at home and abroad. The armed services jumped on the bandwagon to join CIA and numerous universities and private companies. About $16 million has been spent thus far.

The CIA ceased its grants to Georgetown last year after spending more than $1 million on MT gems like this one: "Possible to subject more or less thorough to doubt a capability 'sculls' and 'mice' than actually to learn." But the Air Force, the biggest single spender on MT, doggedly continues to do rough, volume translations, which it claims are useful when "edited."

Suburbs To Slurburbs

President Johnson and his federal housing experts have solemnly declared war on suburban sprawl, but Nashville, Tennessee, is only one city where the Administration's right hand evidently is unaware of what the left hand is up to. Ten years ago, the Tennessee Municipal League and the County Services Association started a campaign to control sprawl and by 1963 the state claimed to have the nation's most complete package of laws for handling the problem. By a consolidation of Nashville City and Davidson County government, an entire urban-suburban area covering 533 square miles and with almost half a million people was brought under a single planning jurisdiction, with a single mayor and council. But this area is now completely encircled by unplanned development. While the new consolidated government was spending more than $100 million on the painful and costly correcting of past errors in the suburban doughnut of Nashville, lots were developed in adjoining counties, and residents of the consolidated area were being lured into the new unplanned fringe which offers lower taxes. Moreover, the federal government, mainly through the Housing and Home Finance Agency is helping finance the new chaos, by giving $3.3 million for water utility districts.

Thanks, at least in part, to this agency, water lines are being provided for uncontrolled new suburban sprawl just one foot beyond the place where the old Nashville suburbs end. Just to make things more attractive for speculative builders, the area adjoins a wide interstate highway leading into downtown Nashville. "Thousands will have a chance to move out of crowded Davidson County to large, cheap lots and beautiful surroundings," boasts the chairman of one utility district. "They can roll onto the cloverleaf and be at their jobs downtown before the man who lives within the county."

"Unlike city governments engaged in federally-assisted programs," says Herbert Bingham, executive secretary of the Tennessee Municipal League, "the utility districts aided by Washington have no requirements for workable programs, comprehensive plans for community improvement or building codes. Yet all these would normally be necessary in order for a city to participate in the loan and grant provisions of many of the same federal programs." Bingham calls this kind of maldevelopment "the slurburbs," and says that such federal action invites mock-urban growth wherever a power line exists, a water main of any size is laid, and anything that can pass for a road is cut. President Johnson in his message to the Congress on the housing bills in January said: "The great expansion of our urban areas over the last two decades has too frequently been carried out in a sprawling, space-consuming, unplanned and uneconomic way . . . if the taxpayer's dollar is to be wisely used and our communities are to be desirable places in which to live, we must assure ourselves that future growth takes place in a more orderly fashion." Dr. Robert C. Weaver, administrator of HHFA said in March: "Will scatterization continue? Will we go on developing new subdivisions at random, uncoordinated to any area planning?" The answer to this is "yes," unless federal programs are brought into line with local attempts to provide adequate planning and servicing.

Will Bobby Kennedy Run in New York?

Robert F. Kennedy is an habitual winner ravaged by one great loss, and the New York State Democratic Party is an habitual loser desperate for one great victory. The unexpected notion of a Kennedy as Democratic Senator from New York seems to have had an extraordinarily therapeutic effect both on the Attorney General and the Empire State Democrats.

The New York party has long been accustomed to incanting names like Stevenson, Murrow and Bunche before making do with whichever poor soul turns up available to run for Governor or Senator. The impulse to suggest Robert Kennedy may have been nothing

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except the newest expression of that ritual custom; but the suggestion is now serious and the prospect more than plausible. Democrats who have approached him find the Attorney General recovered from the immobility which fell upon him last November and more-than-half persuaded that the New York Senate seat could be that future about which he has been so reluctant to think for so many months. He has told them that he will make up his mind before the end of June. The assurance he seems to need the most is that New York's voters will not receive him as a carpetbagger. His sponsors have already begun a poll matching him with Kenneth Keating, the Republican incumbent; and they will present him with its verdict before his decision.

"There's been a tremendous change in him just over the last three weeks," one of the New York emissaries says. "There isn't that hollow look in the eyes, and the talk just doesn't turn automatically back to his brother the way it did a little while ago. And, when it comes back to his brother, he's cheerful. He talks about campaigning as if it would be fun. The last time I talked to him, he said that, of course, he'd never run before and that he has always been a campaign manager himself. He said, of course, that his brother would make any campaign manager look good. And then he smiled. I hadn't seen him smile before when he mentioned his brother.

"I think the thing that interests him about running here is that it's a challenge. Everybody has talked about him going back to Massachusetts and running for something up there. But that would mean beating over the same ground his brother did and then the Governor is a Democrat and a friend whom he admires. And, as he says, any Kennedy can get elected in Massachusetts. You don't even have to be a member of the family: all you need is the name Kennedy."

New York will not be an easy election for Robert Kennedy, even though its Republican Party is in conspicious spiritual disarray and Governor Rockefeller's personal position in the polls is appalling and President Johnson's so overwhelming as to scare even his own party. New York Democrats have the habit of defeat: Keating is a vigorous Senator with a sharp tongue and a liberal image, and New York voters have that streak which delights to show its non-conformity by re-electing incumbents regardless of party.

Still, the Attorney General, a source of abrasion in the past, seems a force for Democratic unity in this case. His most active sponsors are Peter Crotty of Buffalo, and John English of Nassau County, two Democrats successful in areas of Republican strength and known to be restive under their party's historic domination from New York City. They are more Kennedyite than the New York City Democrats have ever really been, since Mayor Robert Wagner has never been free of the suspicion that, while President Kennedy was alive at least, the Attorney General was not above regarding the New York Democrats as a piece of family property. The New York City party spent May in its annual spring fratricide between the regulars and the reformers: Mayor Wagner, a reformed regular, had worked hardest to defeat Congressman Charles Buckley of the Bronx, the last regular with all his crust intact, in this year's primary, and could hardly have been enchanted last month when Robert Kennedy showed up to salute Buckley as an honored retainer of his father's and his brother's and to wish him 30 years' reward from a public grateful, if poorer, for his services.

Even so, the Mayor, his own Senate ambitions abandoned, seems cheerfully to accept the prospect of a Kennedy candidacy; and so does the Liberal Party.

The Attorney General has for months been torn between conceiving his future as that of a public or of a private man. The prospect of the Senate seems more and more the proper resolution. For one thing, it is just enough and not too much independent of Mr. Johnson. The Kennedy heritage is ever so little a heritage of exile in Washington. The Senate, as it has been so often in the past, is the place in Washington from which to mount a government-in-exile, even ever so little.

MURRAY KEMPTON

When Congress Tries To Rule the Waves

For years the United States Congress has been trying to regulate other nations' shipping. Britain and 10 other maritime nations protested in Washington last month, after the Federal Maritime Commission again demanded the right to review contracts between unprotected shippers and organizations of shipping lines. These contracts slip 15 percent discounts to shippers who promise to send their cargoes only in ships belonging to the members of the organized shipping lines. The FMC also claimed the right to make the shipping lines hand over written information about their freight rates; it is alleged that the organized shipping lines charge higher cargo rates on American exports than on imports.

The FMC chairman, Rear Admiral John Harllee, wanted the shipping lines to accept standardized freight contracts drawn up by the FMC; the FMC contracts would give shippers 30 days' notice of increases in cargo rates, and would also contain an escape clause enabling shippers to get out of their agreements if they felt they were being exploited. In seven different ways the standardized contracts assert US jurisdiction over foreign shipping engaged in US commerce. When the governments of 11 maritime nations called this an in-

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vasion of their sovereignty, the FMC offered to change the wording where it seemed to assert US jurisdiction; but only if the Europeans in turn agreed to the substance of the standardized contract.

A tentative settlement was reached along those lines, and the State Department is waiting now to see if the foreign governments will accept it. It is far from certain that they will. Even if they do, it will still leave the dispute over freight-rate documents unsettled. The 11 nations say that to produce those at the behest of the FMC would imply acceptance of US jurisdiction over their shipping.

Organized shipping lines, called shipping "conferences," are cartels and are therefore illegal combinations under US antitrust laws. But the Europeans and the Japanese say that they as foreigners shouldn't come under US laws. Mostly they agree that cartels should not be allowed to sail right over unorganized shippers, but they tend to argue that US shippers should get organized as others have done. This, however, might be illegal for American shippers, under the same antitrust restrictions that the whole argument is about. No one has yet displayed enthusiasm for the alternative of an international shipping convention.

Similar trouble has arisen over airlines. There is an airline cartel, the International Air Transport Association. Last year it decided that transatlantic fares should go up five percent. But the Civil Aeronautics Board refused to let Pan American and Trans World Airlines raise their fares by that amount – this would be collusion and therefore illegal. Had CAB had its way, PanAm and TWA would have undercut all the other airlines, so the Europeans threatened to close their airports to American planes. This forced the Administration to back down and permit the American carriers to raise their fares to the new IATA level. Last month, however, Alan Boyd, the chairman of CAB, asked the House Commerce Committee for legal authority to fix passenger and cargo fares in foreign air transportation. He said: "Foreign governments have been able to take unilateral action against our carriers, while we have not been able to do the same to theirs." The foreigners say it wasn't unilateral action, because most world airlines belong to IATA. But the US government won't allow US airlines to behave as IATA members until it is pressured into doing so.

The root of these shipping and aviation disputes is not in the regulatory agencies, but in Congress. The British Transport Minister, Ernest Marples, showed his awareness of this last month in Washington when he called on Senator Douglas and Representative Herbert Bonner (D, N.C.), the key figures in the controversy.

The antitrust laws puzzle the foreigners. So does the Buy American Act which applies to government contracts and gives US manufacturers a six percent preference rising to 12 percent where the US bidder is in an area of substantial unemployment. However, the margin of preference can be considerably widened in the national interest by executive decree. Two years ago, Defense Secretary McNamara hiked it to 50 percent, but without formally announcing he had done so: US importers only found out when they began losing defense contracts.

David Shears

David Shears *is a correspondent in Washington of the* Daily Telegraph *of London.*

Don't Wait, Buy a Gun Now!

Each year the Defense Department gives away upwards of 60 million rounds of ammunition to rifle clubs affiliated with the National Rifle Association, as part of a program to encourage good marksmanship. (Through the Office of Civilian Marksmanship, the Department also on occasion sells cheaply rifles and pistols to members of the NRA, and it sometimes loans rifles to clubs for target practice.) Ostensibly clubs must be approved by states before the federal government will give them either ammunition or arms, but in both New York and California – the two states that have the greatest numbers of rifle clubs – officials have paid little attention to them. Major A. C. O'Hara, chief of the New York state division of military and naval affairs, is critical of inadequate investigation of club members. But because he finds it impossible to fingerprint members and officers of clubs, he returns lists of applicants sent to him by the NRA without either approving or disapproving them. In New York City the police recently found 12,000 rounds of 30-caliber ammunition belonging to a Harlem rifle club stored in violation of Fire Department regulations in the basements of members' homes. Part of this supply had been received recently from a government arsenal. And there was some question whether 12,000 rounds was not more than ample ammunition for target shooting by 30 members.

In California the state adjutant general approves gun clubs without any check into their membership lists; he

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doesn't even bother to keep a list of the approved clubs. This has become a problem for Mr. Stanley Mosk, the state attorney general. He fears some of the government's free ammunition may be falling into the hands of extremists who are forming their own private armies in fear of imminent Communist takeover. "We know that leaders of these groups have urged membership in the NRA and have discussed the possibilities of forming clubs to obtain free arms and ammunition from the Army," Mosk says. He is asking Governor Brown to tighten regulations concerning formation of clubs, and he has sought, without success, to get from the Office of Civilian Marksmanship the names of clubs receiving ammunition in California.

The Minutemen, a right-wing guerrilla outfit, is one group, California officials say, that has been urging people to form clubs, affiliate themselves with the NRA and thereby qualify for free ammunition. The Minutemen's publication, *On Target*, has it from reliable Communist sources that President Johnson will be elected this fall, at which time the Communists will break into the open. Already the Communist conspirators have rendered the US Army impotent by closing up military establishments, and providing some units with ammunition that does not fit their weapons. As if this were not bad enough, the civil rights bill appears likely to pass, thus giving the government the powers of a police state. And left-wing legislators are determined to get anti-gun laws passed before loyal Americans can buy the guns and ammunition they need for their own defense. "If you are EVER going to buy a gun BUY IT NOW!" says *On Target*. It lists suitable weapons, down to semi-automatic .22 rifles for the children.

Paul Revere Yeomen, Inc.

H. S. Riecke Jr. of New Orleans, founder of Paul Revere Associated Yeomen, Inc., another militant right-wing group, also feels disaster is imminent this fall, but for opposite reasons: conservatives will sweep all elections, but "the die-hard liberals and Reds," won't take this lying down. They will trigger a run on gold supplies, a stock market crash, strikes, race riots, rapes and murders. What should the Yeomen do to forestall these events? (1) Join the National Rifle Association. (2) Absolutely refuse to register or give up your arms. (3) Stock up on rifles, shotguns, pistols with lots of ammunition. Arm every member of your family. (4) Join the Minutemen. (5) Consult with neighbors on how best to protect your family and home. Wear certain kinds of caps and shirts for identification, so you won't be firing at one another in the confusion.

Riecke suggests laying in a two-week supply now of canned goods, soft drinks, beer and bottles of water before November. And he says if his warning is not heeded, "we are ALL destined for *Communist Slavery!* And your wives and daughters will be chattels in Mongolian and African BROTHELS."

There probably are not very many of these people about, but every so often one does surface with his gun collection. In late May, Treasury agents arrested Richard Lauchli at Clinton, Ill. Mr. Lauchli used to be a leader of the Minutemen, but he is said to have left that group in despair at its tame methods, and begun something called the "Counter-Insurgency Council." Posing as agents of a foreign government interested in buying weapons, the Treasury men found in Lauchli's possession: 100 submachine guns, five 50-caliber machine guns, a flame thrower, a 75-mm recoilless cannon, several 25-pound aerial bombs, mortars with shells, automatic pistols and rifles and a large quantity of ammunition. US authorities say the weapons were purchased as scrap from the Defense Department, then restored to use by Lauchli. The Defense Department is supposed to cut up automatic weapons so they cannot be used before selling them, but members of Senator Dodd's subcommittee on juvenile delinquency, who have been looking into this business find that in practice the department is slack on the job. In one case a man bought up a lot of submachine guns from the Navy at Norfolk, took them to his farm in North Carolina where he reassembled them, hid them in hay barns, and then launched a mail-order business.

Whether or not ammunition or arms provided to NRA members by the Office of Civilian Marksmanship ever do reach extremists, the Defense Department policy looks stupid. The Office of Civilian Marksmanship is governed by a 23-member National Board for the Promotion of Rifle Practice. Eleven of its members are representatives of the NRA; the others come from the armed services. The NRA generally opposes restrictions on the sale or use of firearms. And yet it is in a position practically to control a vast mail-order business, the same sort of business the Justice Department has been trying to restrict through legislation. The NRA has opposed this legislation in Congress.

Both the NRA and the military always stress safety in the handling of firearms and ammunition. But is it safe to dole out ammunition for safe keeping in the basements of tenements in New York City? Since most of the government's free ammunition is used on military ranges, why shouldn't the range officer disperse this ammunition to the rifle club members there, not in their homes? And if the government must sell pistols and rifles to NRA members, surely it should require a local police check: anyone can join the NRA. And does it make sense to have a private organization handing out to its members, in the name of the government, 60 million rounds of ammunition paid for by taxpayers at a cost of $1.6 million?

JAMES RIDGEWAY

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Egypt, the Soviet Union and Israel

by the Editors

"Why shouldn't he talk like a Communist. After all, he is one. You don't have to go with him all the way." This comment from an Egyptian listener, overheard after one of Khrushchev's extempore speeches, tells something of the present Egyptian state of mind. This is discriminative and is beginning to be assured because, now the first stage of the Aswan Dam is finished (and was finished on time thanks as much to one local contractor as to the Soviets), now that the Suez Canal has worked smoothly for eight years and the revolution is 12 years old, Egyptians feel entitled to status, and dignity and a mind of their own. It appears, moreover, that apart from the very substantial economic value of Russia's new $277 million loan for Egypt's next Five Year Plan, the fact that it was offered by Khrushchev just before his departure for Moscow without Nasser's having made any ideological concessions in return must raise the Egyptian leader's prestige still higher.

Socially, Khrushchev was a huge success in Egypt, much more so than Chou En-lai. The spectacle of husband, wife, son, daughter and son-in-law all agog to see everything, ready with their laughter, and only half-daunted by the torrid heat of May, established an image of Soviet family life and *bonhomie* toward which Egyptians feel drawn as they are not drawn to mandarin manners. But in other spheres Khrushchev revealed a gulf between himself and them. It is true that he declared himself against everything that they are against – Israel, the British in Aden, the Yemeni royalists, Western bases in Libya, and atomic submarines in the Mediterranean. Promises of Soviet help against all such evils were vociferously applauded by the public, and were noted by officials and stored for use in case of need; yet the Nasser regime would far rather deal with all such matters on its own, or in Arab company, than be beholden to any outsider. Arabs are easily against, and not so easily for, causes. When he dealt with positive Egyptian aims, Khrushchev was on shakier ground. The Egyptians favor Arab unity, and, to display it, had asked on to their Aswan dais, as well as on a Red Sea fishing trip, Aref of Iraq, Sallal of Yemen and Ben Bella of Algeria. (Syria was left out because the Ba'athist path to socialism that it has chosen is written off by both Moscow and Cairo as "reactionary and chauvinistic.") Yet Khrushchev publicly upbraided Arab unity as a deviation from the class struggle, and was for it only where it meant "Arab workers, Arab peasants, Arab intelligentsia, all working people, united against the exploiters, including your own Arabs!"

Again, Egyptians insist that Nasser's Arab socialism is blazing a trail of its own; Khrushchev invariably referred to it as a stage on the road to the "unity of all revolutionary forces," adding, to one audience of young people, that since "Communism is the youth of the world, it is up to youth to build it." (This was the speech that caused Nasser to lean forward and cup his ear with his hand so as not to miss an inflection, and that occasioned the remark quoted at the head of this note.) Egyptians also insist on Egypt's prime role not only in the Arab world, but in Africa; they were nonplussed when Khrushchev mentioned only Ben Bella as a prototype for African revolutionaries. Strangers who visit with Arabs are often caught short by appeals to take sides as between their hosts, and it is said that, during the Red Sea trip, Khrushchev could have dispensed with Aref of Iraq as a fellow guest, since his presence triggered off topics on which Arabs disagree, and on which the Soviets find it awkward to take sides; one of these was whether Iraq's Kurds should get autonomy, which Aref is against, but which Nasser would like to see. All told, Khrushchev found it safest to keep to the firm, well-trodden ground of anti-imperialism.

To point to discrepancies between Soviet and Egyptian dogma is not to underrate Khrushchev's personal triumph. He made Egyptians feel what the British never, and the Americans too seldom make them feel, which is that they are capable of doing well enough on their own. The warm glow of appreciation that he contrived to leave behind him will last awhile. Yet, unless Nasser shifts all his sights, which is unlikely, his target remains non-alignment. That is why it is still worth the West's while to ease his unavoidable dependence on outside *economic* aid during Egypt's years of adolescence which may be long ones.

The point at which aid to Nasser galls most of us, however, is the reflection that it releases support for a civil war in Yemen. Late in 1962, the Egyptians dashed into this adventure without any military preparation because they assumed, in their ignorance of Arabia, that all Arab revolutions were push-overs for the republican side. After 18 months of discovery that this is not so, they have learnt (at the hands of fighters who amount to the Ghurkas of Arabia) that, in backward areas, such upheavals can occur too early for

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20th Century revolutionaries. They would like to get out of a country that they find too primitive to reform, and too bellicose to conquer, and that has come to look on them as an unwanted army of occupation. For a year, the State Department has been trying to persuade Nasser to withdraw, but either it has not pushed him hard enough, or revolutionary prestige forces him to stay. The Egyptians are maintaining some 35,000 troops in Yemen, at some gain, perhaps, in military experience, but at a dead loss so far as their claim to leadership of the Arab brotherhood is concerned.

At the start, their support of a revolution in Yemen was a threat to King Saud's shaky regime next door in Saudi Arabia; but now that he has retired to a clinic in Europe and his brother is running a stabler country, and now that many Arabs have noted how irksome an Egyptian occupation can be, some Saudis see no loss, and even think there may be gain, to be derived from an adventure that bleeds Egypt of superfluous energy.

US and Israel

There remains that bone in Nasser's throat – Israel, to whose destruction he is pledged, at least verbally, and whom Khrushchev has obligingly referred to as "stooges of the imperialists." Such words do not frighten the Israelis. Very little does. But the growing Egyptian arsenal is another matter. Once Nasser has perfected the guidance system for the ground-to-ground missiles being developed for him by privately-hired German scientists, Israeli security will depend entirely on effective deterrents. Israeli leaders point out that although in the past they have had personal assurances from Presidents Eisenhower, Kennedy and de Gaulle, that no Egyptian attack would be tolerated by Israel's good friends in the West, such assurances may not prevent and certainly could not repair the terrible damage from an Egyptian first strike with rockets. The Egyptians already have, from the Russians, a plentiful supply of air-to-air and ground-to-air missiles. The Israelis believe they can successfully counter that threat. What they now want, and need if a balance of deterrent power is to be maintained in the Middle East, are accurate ground-to-ground missiles. The Israelis could develop such missiles on their own, but it is a long and costly business, and considering the severe demands on Israel's limited budget, it would of course be preferable to secure them elsewhere. When Prime Minister Eshkol meets President Johnson this week, therefore, Khrushchev's military support for Nasser will stand as one of the major issues to be discussed. Although the Israelis may not bring the matter up, they would certainly welcome any diplomatic initiative by the President which might produce a joint US-Soviet guarantee of the territorial integrity of Israel, and of Egypt. But the talks have a broader significance.

For months prior to the Prime Minister's arrival here, a tacit but fierce war has been going on inside high echelons in Israel. At stake is the future of atomic research. One school, headed by Eshkol himself (who is also Minister of Defense) bases its strategy on tuning itself to the more hopeful atmosphere of the Moscow Agreements on a test-ban. While still conscious of the threat to Israel's existence from Nasser's rocket build-up, this school is ready to channel Israel's atomic research into wholly peaceful uses, provided the US is ready to help Israel massively in the purchase of conventional weapons (rockets included), support its Jordan-Negev irrigation project and make Israel's atomic reactor in the Negev pay its peaceful way by a joint US-Israel crash program for water desalination.

The other school, headed by the popular, French-oriented Deputy Minister of Defense Shimeon Peres and ex-Chief-of-Staff General Moshe Dayan, has been adamant in maintaining that Israel should go it alone – alone in terms of the US, but not in terms of a possible French-German connection. Backed in the wings by aging and nominally retired Ben-Gurion, this school claims that Israel has to go ahead with its atomic research regardless of international public opinion. French help is being promised, they say, and so probably is West German assistance. The US, Dayan wrote in an article in a daily paper, let Israel down during the Suez-Sinai war: it may do it again.

The outcome of the Johnson-Eshkol talks may thus have considerable influence not only on Israel's international orientation but on the future of Israeli political leadership. Astute Eshkol has brought Shimeon Peres with him to Washington, but Peres may leave the government if Eshkol's philosophy is unworkable. Ben-Gurion is rumored to be hoping in a way that Eshkol fails to persuade Johnson of Israel's need for further help. In this event, the Ben-Gurion militants will have won the day.

If, on the other hand, Eshkol can return to Israel with real signs of success (which he will certainly exploit in his 1965 electoral campaign) it will be another proof of the fact that his conciliatory leadership wins more friends abroad than Ben-Gurion's prophetic rhetoric of doom or glory. Only a few weeks ago Eshkol won a major battle against Ben-Gurion by reinstating the excommunicated former Defense Minister, Lavon (about whom Ben-Gurion is said to have said "I shall never sit at a table with *that* man"), into active membership of his party. Ben-Gurion was furious at this slight, but public opinion generally welcomed Eshkol's move in the spirit of reconciliation in which it was intended. In the coming days it will be seen whether the White House appreciated how much the future of Israel's political character lies, paradoxically, in American hands.

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The Hot War Against Hoffa

On Trial in Chicago

James R. Hoffa has already received an eight-year prison sentence and a $10,000 fine for attempting to bribe a jury, but in US District Court in Chicago Justice Department lawyers have begun presenting the most massive case the government has ever tried to build against the Teamsters president. The indictment charges Hoffa and seven others with 27 counts of mail and wire fraud plus one count of conspiracy. Federal attorneys spent more than a year collecting evidence and will take three months to present it.

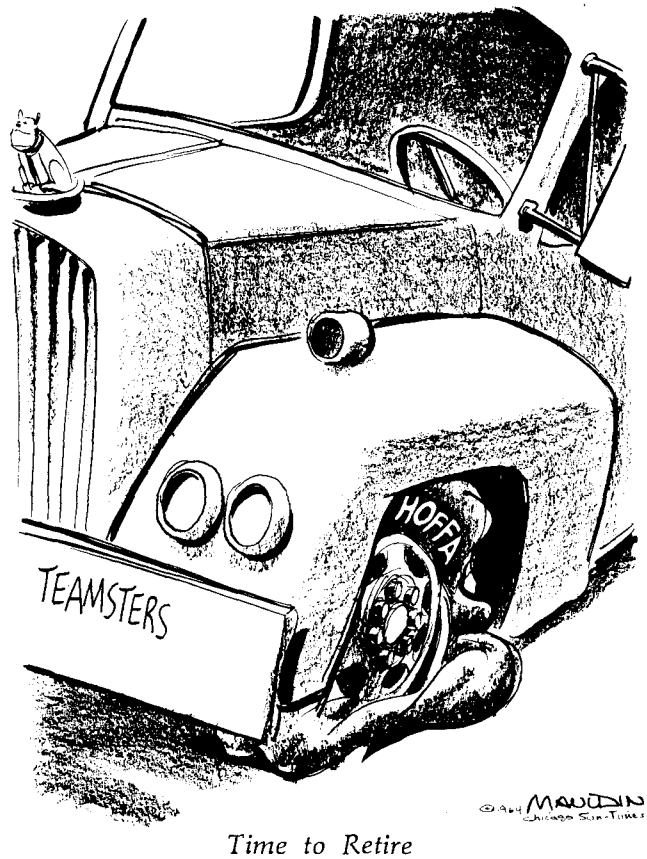
The Chicago indictment accused Hoffa and his associates of fraudulently obtaining about $25 million in loans from the $213 million Central States Pension Fund and diverting $1.7 million for their private profit. The conspiracy allegedly had its roots in the fact that Hoffa used $400,000 belonging to Detroit Local 299, of which he is president, as collateral in a Florida real-estate development called Sun Valley, Inc. When the Sun Valley deal ran into trouble and the bank in Orlando refused to release the local's money, Hoffa turned to the Pension Fund, the government believes.

The scheme allegedly worked this way: one of the defendants, Benjamin Dranow, would seek out real-estate investors in need of funds. He would promise them loans from the Pension Fund in exchange for "fees" payable in small bills and for help in extricating Hoffa from the Sun Valley deal. As the dominant member of the Fund's board of trustees, Hoffa would see to it that the loans were approved. The Justice Department charges that the defendants inflated the assets of corporations seeking loans by having a specialist – one of the defendants – prepare the loan applications.

The government appears to have two major problems: making its case comprehensible to the jury, and matching the legal firepower of the defense. As usual, the government's attorneys are young, though one of them, Charles Z. Smith, successfully prosecuted Teamsters president Dave Beck while Smith was a county prosecutor in Seattle. Opposing Smith and his associates are the most prominent defense attorneys in Chicago, a city which has never lacked the rich defendants necessary to support great criminal lawyers. Among them is Maurice J. Welsh, who recently spoiled a government victory over alleged Syndicate boss Tony Accardo by convincing an appeals court that newspaper stories had made a fair trial impossible.

An even more formidable obstacle for the government is the sheer mass of the case itself. Multi-million dollar real-estate transactions are never simple and among promoters who juggle motels, shopping centers and housing developments in Florida, there exists a financial-legal jungle. For example, a Miami developer, Vaughn B. Connelly, has testified that he purchased a $3 million hotel personally, leased it to a management company which was owned by another corporation, which was in turn wholly owned by the witness himself. To complicate the jury's task of assessing the truth, Connelly admitted he had perjured himself in testimony before a federal grand jury and the McClellan committee, but he claims to have told the truth to two subsequent grand juries, and to the FBI. Defense lawyers, who plan to establish that Connelly is under investigation by the Bureau of Internal Revenue, appear to believe he is expecting a favorable settlement of tax trouble in exchange for testimony against Hoffa, and that he has hidden a large part of the $43 million he borrowed from the Pension Fund.

The prosecution's strategy relies heavily on the vast, physical superiority of the Federals. To begin with, regular US marshals in Chicago were supplanted, in everything pertaining to the Hoffa trial, by a specially-selected group of marshals from such diverse places as Vermont, Montana, West Virginia and Arizona. They drew up special, secret lists of prospective jurors and



Time to Retire

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the preliminary questionnaires filled out by the veniremen were not released to lawyers for either side.

To prevent either news reports or bribes from influencing the jury, Judge Richard B. Austin invoked a rarely-used prerogative and ordered the panel sequestered for the duration of the trial. Normally jurors are not locked up until they begin their deliberations; in this case they cannot go home at all. Families may visit jurors in the presence of marshals once a week. Daily telephone communication is permitted but a marshal monitors every call. Newspapers and magazines are censored and a marshal controls the tuning knob on the jury's television set. Several hundred prospective jurors were questioned by the judge and lawyers before a panel of 12 and four alternates could be found to spend the summer this way. Most of those selected are employed by large corporations which will continue their salaries while they serve.

The jurors were first housed in a large hotel, but the defense lawyers complained about the expense and charged that the government sought to influence the jury with luxurious accommodations. Judge Austin found vacant officers' quarters in a nearby Naval base and moved the jury. The defense said the new accommodations were even more luxurious and complained that the jury was now completely under the control of the government.

The squeeze on Hoffa goes on outside Chicago too. Teamsters counsel Edward Bennett Williams has decided it is illegal for the union to pay the legal expenses of its president, and in Philadelphia sixteen members of a Teamsters local have asked for a Labor Department investigation to see if the union can recover what has already been spent. The resulting strain may go beyond Hoffa's finances. One Teamsters official has said bluntly that if it came down to a choice between the interests of the union and those of its president, then Hoffa would have to look out for himself.

Whatever he may think of all this, Hoffa displays iron confidence and ferocious energy. He plays a vigorous role in his own defense, analyzing testimony, conferring with his lawyers, and keeping track of his co-defendants, whom he calls together occasionally for lectures that begin "Now listen, you guys." During court recesses he may shake hands with Chicago truck drivers who drop in to wish him well or pose with arms around timid young girls who come to take his picture. He is still the man whose bidding other men are arriving and departing to do.

RICHARD COOPER

The Great Bail Scandal

by Ronald Goldfarb

Justice Robert Jackson once wrote that ". . . the spirit of the [bail] procedure is to enable [defendants] to stay out of jail until a trial has found them guilty." The National Bail Conference which was held in Washington over the last few days under the sponsorship of the Justice Department and the Vera Foundation, with a financial grant from the President's Committee on Juvenile Delinquency, proved that this spirit is neglected and perverted in the United States today. The conference was a direct result of the recommendations of Attorney General Robert Kennedy's Committee on Poverty and the Administration of Criminal Justice; the setting up of the Committee was also an early reconnoiter for the current war against poverty.

The American judicial system always included a right to bail, and our early frontier days gave birth to professional bondsmen who, for a fee, assumed the responsibility of getting people to the court on time. All the states have constitutional or statutory provisions establishing some right to bail. A federal statute also grants the right to bail, and the Eighth Amendment to the Constitution forbids "excessive bail."

There is only one legitimate reason for bail – to assure the presence of an accused at trial. But an examination of the operations of the American bail system shows the bail system plays into the hands of the organized criminal while it discriminates against the poor one or the one who commits an isolated criminal act; it is a vehicle for discrimination; it can and does subvert the judicial process; and it is frequently applied improperly as a form of punishment. As the *Yale Law Journal* recently observed, the evolution of our bail practices ". . . seems to have occurred without any clear perception of the functions bail ought to serve, with the result that the institution of bail currently consists of an incoherent amalgam of old and new ideas serving

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more to defeat than to achieve the aims of the criminal process."

A number of studies have shown that the majority of defendants cannot make bail over $500. Since the premium for a $500 bond is only $50, this indicates that the amount of bail required of a defendant may be very low but at the same time may be "excessive."

Some recent studies have compared the fate of defendants on bail with that of defendants in jail before trial. The results of these studies – in California, Philadelphia and New York City – are alarming. Grand juries dismissed charges against defendants on bail more often than they did charges against defendants in jail. More jailed defendants were convicted at trial than were defendants on bail; of the defendants who were convicted, more of those who had been on bail received suspended sentences than did those who were in jail. More defendants who were in jail before trial went to jail after trial than did bailed defendants. In one study, 53 percent of those jailed before trial were acquitted: they were detained for no reason except their poverty. Pre-trial detention ran for periods averaging over a month, often much longer. And the detention prisons were worse than the institutions where the convicted criminals were sent. Juveniles are thrown into these pre-trial prisons with hardened criminals. The whole situation screams of inequality.

Pre-trial incarceration is not only an ordeal for the individual in jail but an unnecessary expense for society. The defendant is punished before he is tried, and whether or not the ultimate verdict is guilty or not guilty. The defendant is also handicapped in assisting his defense. His chance of obtaining acquittal is lessened. It could also be argued that a defendant who is in jail before trial is prejudiced in the psychological tactics and strategies of trial. Although you can never prove this, I think it is likely that a defendant who is brought in to court from the "bull pen" after spending a period of time in jail and who is escorted in and out of the courtroom by a marshal, bears a stigma before the court and jury which is not shared by the defendant who comes into court well-groomed, with his attorney.

Not only then are innocent men jailed before trial, some *may* be convicted at trial as a result of having been in jail before trial. And to compound the inequality, the defendant who proves his capacity for rehabilitation while he is out on bail stands a better chance to avoid a jail sentence if he is convicted.

The defendant who is incarcerated often loses his job or his earning capacity during the time he is in jail. Since most of these men are low income earners, their families suffer and may be forced on to relief. Not only must we all pay the costs of maintaining these men in jail, which runs into millions of dollars, but we also have to bear the brunt of higher welfare rolls when pre-trial detention forces a family on to relief.

12,955 Juveniles

New York Supreme Court Justice Bernard Botein, a critic of the current bail system, pointed out that in New York City alone in 1962, 58,458 people were imprisoned to await trial. Of these, 12,955 were adolescents. The average period of time adults spent in jail before trial was 28 days; the adolescents averaged 32 days. The total number of days spent in jail by these individuals in one year was 1,755,788. When you consider that it costs between $5 and $10 a day to keep these people in jail by the minimum standards, you can appreciate the staggering cost to the community which this practice causes.

Although the only legitimate purpose of bail is to assure the presence of the accused at trial, a recent study of the Philadelphia Magistrate's Court indicated that other criteria were used. Judges often used bail to punish certain individuals and certain acts. From actual court records: "I'll make it $1,500 – that will hold anybody"; "I feel that the man should be punished and I don't feel that $500 bail is sufficient"; "All right, I don't like hit-and-run drivers"; "He is a Puerto Rican: what a bum"; "Anyone who hits his father ought to be electrocuted"; "I am going to make an example of you"; "I'm tired of seeing you in front of me; I'll hold you on $2,500 bail for court"; "Maybe that will keep you in for a while."

The levity and lunacy which often characterize bail proceedings are typified by an actual colloquy:
Defendant: "What do you mean, holding me without bail?"
Magistrate: "That means you will be kept in jail for two or three weeks until this case can be decided by a higher court."
Defendant: "You mean I got to stay here all that time?"
Magistrate: "Are you kicking? Why, lots of guys jump ship just so they can stay here."

American society gave birth to the commercial bail-bondsman. He is functionless and too often personally unsavory as well. In many cases bondsmen are convicted felons. In one case I tried, when I considered calling a bondsman as a witness to a particular conversation, my colleagues had to remind me that by calling him I would be vouching to the court for his veracity. That was that. Too many bailbondsmen overcharge the disadvantaged, fee-split with the venal of the bar, and cater to the racketeers. Grand jury after grand jury has condemned every aspect of the bonding business. The

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bondsman is a strange bedfellow of the judge, over whose bail decisions he has a power of veto.

The law requires the judge to set bail. It does not require the bondsman to provide bail. Even if a defendant is a good risk, the bondsman can withhold his assistance for any reason or for no reason. In 50 percent of the cases arising in metropolitan areas, bondsmen refuse to provide bail. In doing this, they intrude upon and pervert the judicial system. This arbitrary act can undo the whole bail system. As Judge Skelly Wright said in a recent opinion: ". . . the effect of such a system is that . . . professional bondsmen hold the keys to the jail in their pockets . . . the bad risks, in the bondsmen's judgment, and the ones who are unable to pay the bondsmen's fees, remain in jail. The court and the Commissioner are relegated to the relatively unimportant chore of fixing the amount of bail. . . ."

While high bonds keep the poor in jail, they are mere idle gestures to the organized criminal. For the big-time racketeer, bonds are often written as favors, with no collateral, without any care about the risk of flight, or as part of an over-all business arrangement. In many cities the racketeers provide the bondsmen with constant business. A classic example is provided by the numbers business. When a "writer" or some other underling is arrested, an unknown and uncalled-for attorney and bondsman will often appear for him in court. The man is "sprung" and within hours may be back on the street writing numbers bets. It's getting so we even have "socialized" crime.

Bail can be used to discriminate against the unpopular. In the civil rights cases, some bondsmen who would have provided bail (their economic interests being stronger than their social ideals) did not because of conflicting business pressures. This situation has become acute recently. Many people have been charged with minor criminal offenses like disturbing the peace, disorderly conduct and trespass in the lower courts of metropolitan areas. Without access to bail these individuals can be forced to languish in sordid jails for long periods of pre-trial detention. Judges are equally guilty when they use bail as a weapon against civil rights demonstrators.

Bail Jumping

The bondsman has a sinecure for no reason. A study showed that over $7 million worth of bail covering about 10,000 bonds was written in Philadelphia in 1950. Yet the highest percentage of bail jumping there occurred in cases where bail was covered by "professional" bondsmen. In New York when uncooperative district attorneys threatened to enforce forfeitures rigidly, bondsmen struck, causing needless incarceration and overcrowding of the city's detention facilities. In Tulsa, when the community became fed up with the practices of local bondsmen, a bar committee came up with a substitute plan which has worked better, driven several bondsmen out of town, and saved hundreds of thousands of dollars in a short time.

Again and again it has been shown that there are better ways to assure that defendants will show up for trial than relegating the responsibility to bondsmen. To think that forfeiture of the average premium (usually 10 percent of the amount of the bond) will deter flight is unrealistic. Moreover, there are adequate alternatives to deal with the defendant who flees. Bail jumping statutes which treat this as a crime are sufficient to cover these few cases. Some courts treat fleeing as contempt and deal with it summarily. Modern means of detection are such that the law usually catches up with the wanted. And proof of flight can be offered against a defendant in a trial as evidence of his consciousness of guilt. Finally, natural deterrents like lack of money to hide indefinitely, or ties to home, people, and community all minimize the problem for which bail is now the main solution. The bondsman should be replaced.

Toward the end of 1960, Louis Schweitzer, an interested citizen, became troubled by the knowledge that many indigents spent long periods of time in jail awaiting trial because they did not have the money to make bail. Often young first offenders were thrown together with hardened criminals. Schweitzer set up the Vera (Schweitzer's mother's name) Foundation, "a non-profit charitable institution, whose principal purpose is to further equal protection of the laws for the indigent through research into neglected aspects of criminal law." In October, 1961, the first Vera project began in the Magistrate's Felony Court and the Court of Special Sessions in New York City. The director of the Vera Foundation, Herbert Sturz, and a small staff of NYU Law School students interviewed defendants during the brief time between arrest and arraignment. They asked a series of set questions aimed at establishing the individual's ties to the community. The interviewer then made a decision, based on set criteria, whether there were grounds to make a favorable recommendation to the court. If there were and if the accused was one of a random number selected, a Vera representative recommended to the court that the individual be released without bail. A summary of the Vera data was given to the judge, the defense lawyer and the prosecutor.

Between October 16, 1961, and April 8, 1964, the Manhattan Bail Project interviewed approximately 10,000 defendants in this fashion, and recommended almost 4,000 of these for release on their own recognizance. Of these, 2,600 defendants have been released on their own recognizance, and only 23, less than one percent, have "jumped."

During the same period of time, bailed defendants

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"jumped" three times as often as did Vera defendants, indicating that sound investigation of a defendant is a more reliable criterion for pre-trial release than is his ability to make bail. The poor are punished and the rich are not deterred under the present bail system.

The work of the Vera Foundation has moved other cities to re-examine their bail systems and to adopt experimental projects modeled after the Manhattan Project. The American Bar Association established a committee on bail which is now carrying on studies in 11 major cities. The Department of Justice is urging release of defendants on their own recognizance wherever possible in federal cases. Several new bills have just been proposed in the Senate.

In 1927, Arthur Lawton Beeley wrote a book about the operation of the bail system in Chicago. He pointed out that many people incarcerated before trial were youngsters and that a large number of them were acquitted; that many of them were not transients but had solid ties in the community; that half of them had favorable references, and only one-quarter of them had ever been imprisoned before; and that one-sixth of them had pathological problems warranting hospitalization instead of penal incarceration. He also urged that a summons should be used as an alternative to arrest before trial; that pre-trial detention lasted too long; that the amounts of bail were determined arbitrarily; that bondsmen were too often used, and that the role of the bondsman was inflated. The book was radical in its time. Sadly, its conclusions would hold true and its suggestions might be considered radical by some, today! The same injustices Beeley found in 1927 can be found in 1964. The whole area of bail needs change, if not total reform. For those who are interested, the minutes of the recent National Bail Conference could be a thesaurus.

Detroit—Higher Wages, Cheaper Cars?

by Hobart Rowen

Government guidelines for wage settlements were suggested back in November, 1961, by President Kennedy's first Labor Secretary, Arthur J. Goldberg. The tart response that Mr. Goldberg got from AFL-CIO president George Meany was that he was "infringing on the rights of a free people and a free society." Now this controversy comes again into focus because Walter Reuther's United Automobile Workers, sights fixed on the industry's extraordinary profits, have boldly set out to win a wage package that President Johnson's advisers consider inflationary.

The President himself plunged into the UAW's Atlantic City convention on March 23 and repeated John F. Kennedy's admonition of two years ago. "The public interest," he said, "more than ever requires that the stability of our costs and prices be protected. . . . We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral." But Meany had his executive council resolve on May 19 to reject guideposts. Referring to them as "the much advertised national wage formula," Meany said: "We intend to press forward for better wages, shorter hours and improved working conditions."

The Administration's "guideposts" were first formulated by the President's Council of Economic Advisers in January, 1962, who said that in order to avoid inflation, the wage increase (including fringe benefits) in *any* industry should be no more than the *average* productivity gain in the economy as a whole. In the last Economic Report, the average national productivity increase was estimated at 3.2 percent. For non-inflationary price behavior, the guideposts call for a *reduction* in prices if a given industry's productivity gain is *more* than the national average. The economic advisers laid emphasis on price-cutting prospects in the 1964 Economic Report because they sensed that the tax cut might refuel latent inflationary fires, and this became the basis for LBJ's jawbone campaign against inflationary wage and price increases.

But business and labor are rebelling anew. In February, a meeting of the American Bankers Association in Washington turned up a strong feeling that the guideposts are too complex to be useful, and that if they were widely applied, industries with handsome profit margins might find these cut back. Labor leaders had an opposite but equal reaction. They felt that if

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HOBART ROWEN *has written* The Free Enterprisers: Kennedy, Johnson and the Business Establishment, *which Putnam will publish in the fall.*

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wages were held to a productivity standard, this would "freeze" labor's share of the national income. Meany growled that the unions "are not going to be stymied by the guidelines."

Three days after President Johnson spoke at the UAW convention in Atlantic City, Meany arrived to address the Reuther group: "Who said that guidelines should be laid down on the question of prices and wages in order to protect the public interest? . . . If we go down this road far enough, it leads to the end of collective bargaining. . . . Oh, of course, there's the question of responsibility, responsibility on the part of unions and management. The best way to discharge that responsibility is to have strong unions that are able to sit at the table with these gigantic corporations."

George Meany doesn't beat around the bush: the government has no damn business sticking its nose into collective bargaining. He would rely, instead, on a sheer power struggle between business and labor. In this area, Meany has about as much concern for the public interest as did Roger Blough when he raised steel prices in 1962. "There's nothing wrong with the government advising," he said the other day. "They can have something to say about it [prices and wages] provided they don't assert the right to take action. They [the government] shouldn't be pushing themselves in and asserting a right they don't have."

Meany was asked who could state or define the public interest, if the government could not? "No one," he said bluntly.

Walter Reuther's Dilemma

Such a position is clearly unacceptable in today's society. Although Walter Reuther was said to have approved of the May 19 AFL-CIO resolution, he must be uncomfortable with it. Over the years, Reuther has pressed for intelligent economic planning by the government, in cooperation with management and labor. Now, however, the guideposts, which embody the faintest, most tentative, and voluntary suggestion of "planning," conflict with Reuther's immediate wage goals. Were Reuther to modify his wage goals, it's said, "the UAW rank and file would knock his head off." Reuther is reduced to insisting that he is freed of the guideposts' wage restraints by the industry's failure to cut prices in its "insane rush" for profits.

Reuther drew encouragement last January from a remark by Walter Heller, President Johnson's chief economic adviser, that the auto industry might be a candidate, under the guideposts, for a price reduction. But that was four and a half months ago. Since then the Administration has carefully avoided, in this election year, any references to the auto industry. President Johnson has many times urged industry generally to reduce prices "to the extent they can be"; but he told a press conference on April 25, "we have not made a specific suggestion to autos."

Unless all the reliable indications in Washington are wrong, Reuther will win a wage boost well over the 3.2 percent mark – *and* there will be no reduction in car prices. Profit margins in the industry won't suffer – they might even increase. In such a situation, it would be the American consumer who got left out while both the auto union and the industry enjoy their bigger slices of the pie.

Yet, would the UAW gains be long-lasting? A big wage increase that is later diluted by inflated prices is hardly better than a lesser wage increase during a period of price stability. The "ratchet" effect of the wage-price spiral in recent years, according to Walter Heller's theory, has just about canceled out most of the gains won at the bargaining table. Thus, says the Presidential adviser, big wage gains can be illusory – it is the advance in real wages that counts. To this, union economists retort that real wages have lagged behind productivity gains since 1956 – and this is one reason why they reject productivity advances as the main determinant of wage boosts.

There is no doubt that wage increases since about 1956, adjusted for cost-of-living increases, *have* lagged behind productivity. But this is all the more reason to try to break the wage-price "ratchet" effect by heeding the guideposts, or a reasonable facsimile thereof. As long as the unions try to get something extra to catch up with past price increases, industry will boost prices anew to preserve profit margins – and then, where are we? Some union economists would frankly accept a certain degree of price creep, as the nation moves toward full employment. But this is risky, as some parts of Europe show today.

The public interest would be best served, it seems to me, by a generous wage boost in autos, either within the 3.2 percent guidepost or close to it, *plus* a reduction in prices. Meany would have been wiser to look for ways of preserving, instead of junking, the guideposts concept, for the guideposts have helped accommodate the public to the idea that *some* regular wage-increase pattern is compatible with stable prices. One no longer hears, except in hopelessly backward circles, that there should be a ceiling on wages.

Without getting into the business of dictating the actual terms of a collective bargaining settlement, the government could give the public specific benchmarks against which to judge the actions of companies and unions. It would be direct, honest and useful for Mr. Johnson to say publicly that there should be price cuts in cars this year. That would give new force to his demand that Reuther keep the wage package within national productivity averages.

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Further Adventures of the Novel

by Stanley Kauffmann

The first question a prospective novelist must deal with today is one that did not exist for his predecessors a hundred or even fifty years ago: What do I mean by a novel? Until Joyce, the writer had only to make some fairly simple structural choices: straight or epistolary narrative; one character's viewpoint or multiple viewpoints or author's viewpoint. There were few other technical or formal decisions. Everybody knew what a novel was, and the differences between one and another were the differences between Trollope and Mrs. Gaskell themselves, between James and Mrs. Wharton themselves, not in the novel form.

Second Skin
by John Hawkes
(New Directions; $4)

But look at the past year. It brought us, among others, Beckett's *How It Is*, Genet's *Our Lady of the Flowers*, Cheever's *The Wapshot Scandal*, Rawicz's *Blood from the Sky*, Sarraute's *The Golden Fruits*. All are novels, but – content quite apart – they have as little relation to one another in form and method as is possible in imaginative prose works that are all composed of sequent lines of type on sequent pages. In each case the author, besides organizing his subject matter, has had to define for himself what he meant by a novel. In some cases – Beckett, for instance – any separation of form and content is hypothetical; the book could not have existed in any other form. Still Beckett had to make *that* decision. In other cases it is conceivable that the author might have used a quite different form. Among these authors there is little common ground; to each the novel is what he says it is.

This proliferation, which has analogies in the other arts, results from causes too complex to investigate here but which include such well-known factors as the enlargement of the middle class, Freudian investigation, religious and political and moral upheavals. Today proportionately more people can write, are more and more restricted to internal experience in straitening ways of life, and are increasingly aware that conventional literary processes are inadequate to their increased awareness of the subtleties of experience – or at least that the subtleties that are accessible to conventional literature have now been plentifully explored.

John Hawkes, whose reputation is small but smoldering under the haystack of potential large acclaim, is another novelist who makes his own definitions as he goes. "Surrealist" is the descriptive adjective that has probably been most frequently used about him, and those who admire his work have said it is like a dream that makes sense. His fifth book, *Second Skin*, can sustain those descriptions to some degree, except it must be made clear that, syntactically, his novel is composed of orderly sentences, not Beckett's psychic gasps or Burroughs' verbalized hallucinations. It tells, in its own free fashion, the story of the narrator, Skipper, who in the present time-plane of the book is a retired naval officer of 59, living on an unnamed tropical island with a black mistress. She is about to bear a child who is either begotten by him or by Sonny, a Negro and his former Navy mess-boy, who shares his life on this paradisical island. The book flickers back and forth through various time strata, from which we learn about the suicides of Skipper's father and wife and daughter, the murder of his Peruvian son-in-law, a mutiny on Skipper's ship during the war. Skipper's second life (skin) in this warm place is untroubled by mundane fuss or social convention, a life that is loving, sharing, but unforgetting. He reflects that the deaths in his past happened after the war ended:

> "... all my casualties, so to speak, were only accidents that came when the wave of wrath was past. But how can I forget what lies out there in that distant part of my kingdom?"

There are hints of *The Tempest*: the luxuriant island setting, a character named Miranda, another named Fernandez (suggesting Ferdinand), Skipper's reference to himself as "an old Ariel in sneakers." But these references do not cohere and possibly are included only because Hawkes saw no reason *not* to include them.

As even the brief excerpt above shows, realistic criteria of characteriza-

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tion and dialogue are inappropriate. There may be (let us concede) naval officers who think like Skipper; it is less likely that there have ever been any who behave and speak as he does. (" 'Got him now, Miranda,' I shouted. 'Rapacious devil'!") He does not speak any more like a naval officer than Prospero (whom he resembles more than Ariel) speaks like a Milanese duke, and probably for the same poetic reasons. The other characters wear the proper masks and have the proper accents where needed, but are no more realistically treated and less deeply.

The story, "like to a murdering-piece in many places gives me superfluous death." The suicides and murder carry no demonic strain, no Faulknerian doom; there could be more or less or, conceivably, none. Skipper could have had other "casualties" against which to pose his present life. The structure seems akin to that of a 19th Century opera libretto, without architectural imperative, easily alterable, condensable, expansible, primarily a provider of occasions for arias, ensemble pieces, ballet.

The arias and so on that Hawkes supplies are not "big" in terms of sweep and surge. The mutiny, for example, seems to be taking place underwater in slow motion. To Hawkes the novel is a machine for turning experience into images, and he uses his dramatic moments as bases for constructs of supple, gorgeous prose. There is little sense of fate in Skipper's unhappy life; we feel instead that Hawkes simply wanted to write a series of highly subjective scenes about a man experiencing various deaths and remembering them in various contexts.

His reliance on his prose as such is certainly not misplaced. His figuration, selectivity, his ear and eye are extraordinarily fine and untiring. But one flaw in his method is that it spreads. He seemingly forgets when he is not in a "scene," and he gives almost everything the same rich treatment. Virtually every millimeter of the book's fabric goes under the microscope of his intensified vision. For instance, when Skipper and his daughter are traveling on a bus at night, she hands him a sandwich:

> "She moved – my daughter, my museum piece – and hoisted the sack onto her lap and opened it, the brown paper stained with the mysterious dark oil stains of mayonnaise and tearing, disintegrating beneath her tiny white efficient fingers. Brisk fingers, mushy brown paper sack, food for the journey. She unwrapped a sandwich, for a moment posed with it – delicate woman, ghostly morsel of white bread and meat – then put it into my free hand which was outstretched and waiting. The bread was cold, moist, crushed thin with the imprint of dear Sonny's palm; the lettuce was a wrinkled leaf of soft green skin, the bits of pimiento were little gouts of jellied blood, the chicken was smooth, white, curved to the missing bone. I tasted it, sandwich smeared with moonlight, nibbled one wet edge – sweet art of the mess boy – then shoved the whole thing into my dry and smiling mouth and lay there chewing up Sonny's lifetime, swallowing, licking my fingers."

It is remarkable imagistic writing. It can be analyzed in terms of its internal rhythms, the intricacy of the recurrent and varied figures in that small space, the sense of wholeness of each phrase, each sentence, the cumulation of the whole passage. It might almost stand, typographically rearranged, as a poem. But in a novel, still enslaved as we no doubt are by conditioning of the past, we recognize the beauties at the same time that another lobe is thinking: "For God's sake, it's only a sandwich. Eat it, and let's move on." Thus this method tends to flatten the topography of the book. For all Hawkes' care to include peaks of climax, the long prairie of sandwiches, etc., is bathed in the same golden light as the peaks.

Another peril in his method is indicated by V. S. Pritchett's recent brisk comment on William Golding's new novel:

> "The inside view inflates the novelist at the expense of his people. And seen from the inside as 'thinkers' and so on, novelists are bores. The more distinguished the more boring. Novelists are not entitled to these personal gratifications. I do not believe that theories of 'contemporary alienation', the 'human crisis', or 'our loneliness', etc., justify him in disposing of character. It is, at any rate, nine-tenths of our destiny."

The parallels between Golding and Hawkes are inexact but existent. For "thinkers," read "feelers," for "human crisis," read "crisis in the novel." Hawkes is not, like the Englishman, a dramatist of philosophical views, but his work is equally internal, equally far (in Irving Howe's phrase) from "the reality of *other minds*, minds quite unlike his own." The boredom – exquisite boredom, perhaps, in this case – of the solipsist scrutinizing his nerve-ends is inevitable.

The novel resolves to a solo virtuoso performance with props of people and incidents. Thus Hawkes disappoints in

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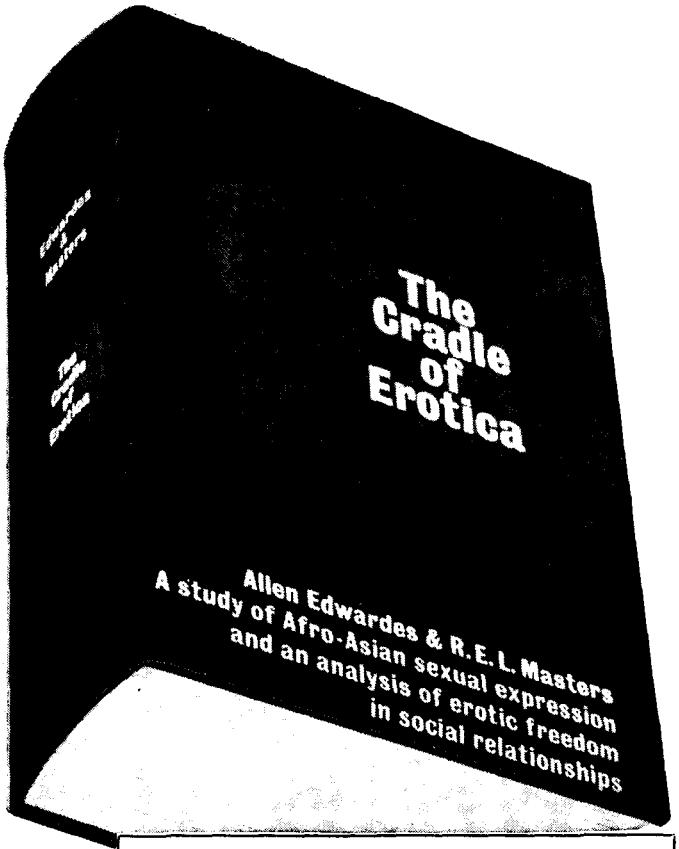
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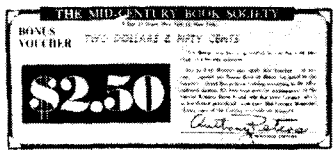

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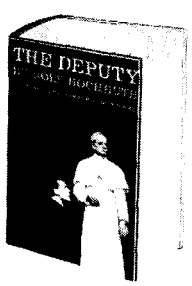

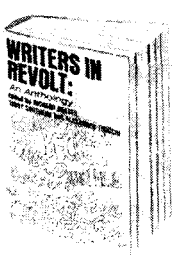

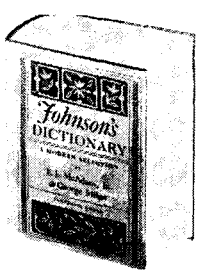

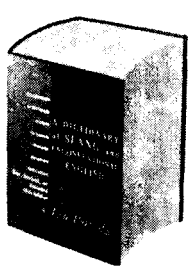

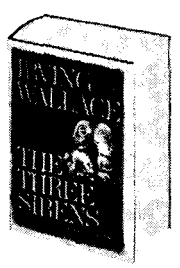

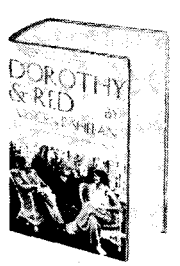

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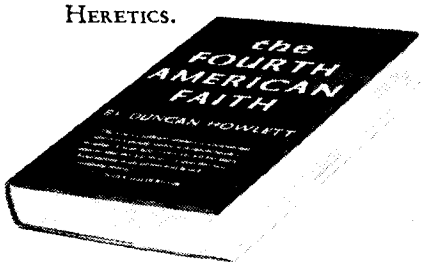

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some measure even the reader seasoned by the "new" novel, perhaps because this author's sensibilities raise expectations of insight, of emotional effect, instead of well-articulated autism. I dare not aspire to Pritchett's note of pronunciamento, but perhaps I may suggest that Hawkes' definition of the novel is ineluctably and stringently circumscribed. Whatever his subject matter in this book, Hawkes seems primarily concentrated on its rendering, rather than its realization in us. The medium becomes to a considerable degree the object. Thus, although *Second Skin* certainly has other aims, it *seems* to exist for the sake of its admittedly exceptional prose.

Russians as Propagandists

by Percy B. Mills

Frederick C. Barghoorn is not now, and never has been, an American spy. He is an expert on the Soviet Union, well known to other experts and students in the same field, and to those Soviet officials who keep track of foreigners keeping track of them.

Last autumn, Barghoorn became briefly world-famous, in a way which would be unacceptable to the most publicity-

Soviet Foreign Propaganda
by Frederick C. Barghoorn
(Princeton; $6)

mad entertainer, let alone a shy professor. On a visit to Moscow, he was taken prisoner by the KGB and detained for 17 days. Khrushchev released him not on the grounds that his arrest had been a mistake but explicitly as a personal favor to President Kennedy.

Barghoorn's latest work was substantially completed when he made his last trip to the USSR, but he is unlikely to have seen it for some years without Kennedy's direct intervention on his behalf, and he has quite appropriately dedicated the book to the late President's memory.

Soviet Foreign Propaganda is a detailed, documented history of Soviet doctrine on the role of propaganda in the implementation of foreign policy; and of the content, targets, and techniques of the USSR's propaganda effort since the early days of the Bolshevik regime. It is a scholarly work, written by a scholar for other scholars and for students of Soviet history. As such it is entirely competent; its style and organization, however, will discourage any reader not already committed to an intense interest in the subject.

This is too bad, because the book is full of passages deserving the widest possible circulation. The author offers comments, draws conclusions, and makes recommendations which would appear singly as news stories if they were the pronouncements of high-level government officials, candidates for office, or political analysts. Mr. Barghoorn just throws them away.

For example, he notes in passing that the increased flexibility of Soviet propaganda techniques "seems to be accompanied by tendencies toward ideological stagnation, and perhaps even reflects the partial decay of Soviet Marxism as a theoretical system." With the weakening of its ideological content, Soviet propaganda is on the way to a "transformation from an instrument of a fanatical but vital political religion into a gigantic totalitarian public relations program." Although this program appears to be formidably effective at the moment, the author questions "whether its effectiveness may not gradually diminish . . . if the ideological *élan* of Soviet Communism continues to fade."

Here, as in many other instances, Barghoorn tosses out an idea worthy of exhaustive study. I hope that in some institution of higher learning or some appropriate agency of the US government there are knowledgeable men meditating on the changes in the world situation which the decline of Communism as a theory will produce. Walter Lippmann stated in a recent column that "there is every reason to think" Marxism-Leninism in the Soviet Union is "giving way to the modern idea of an affluent welfare state." Barghoorn sees the theoreticians and propagandists

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in the USSR as thus far "unable to develop significant new concepts relevant to the modern world, or at least to that part of it which enjoys the blessings and copes with the problems of the 'affluent society'. . . ."

To date, very few Sovietologists or political analysts have shown any sign of recognizing the decline of that old-time religion. A major example of this odd phenomenon is observable in their treatment of the deadly Sino-Soviet feud. Most American "experts" on the Communist orbit rejected even the suggestion that there *was* a feud, until its existence became irrefutably clear at the time of the Bucharest conference in June, 1960. Even then, the situation was so contrary to the picture the experts had been presenting for years that they still tried to ignore the problem, and they played down its significance whenever they had to mention it in public.

The crack in the Bloc began to receive wide attention in the Western press and other news media only as a by-product of the Cuba crisis – two years and some months after Bucharest, and six years after the "Yellow Peril" had become a subject of common discussion among ordinary Soviet citizens.

When the Chinese openly jeered at Khrushchev for backing down on Cuba, the experts were forced to come out in the open too. They had been helpfully hiding the dirt as if they were good Communists themselves. Now the lump under the rug had gotten too big for them. So they dubbed the conflict an "ideological dispute" and that is what it is always called, whether appearing in a news reference or on the agenda of a NATO conference. In the thick of their humorless quarrel, the Russians and the Chinese must yet derive a certain mutual amusement from this characterization of what is really the clash of empires seeking control of the same territory and knowing that, ultimately, there will not be room in the world for two of them.

It might be a good idea to establish some sort of scoring technique for the experts. But Barghoorn is not one of these. He belongs to the small group which practices Sovietology both expertly and objectively. He is not even carried away by his current subject, warning of the dangers inherent in exaggerated estimates of the effectiveness of Soviet propaganda. Many Americans are inclined to attribute successes scored by the USSR in the public opinion field entirely to the diabolical cleverness of Communist propaganda techniques. They are helped to maintain this consoling viewpoint by a goodly number of "experts" whose political feelings are rather far to the right of center. If the growth of Communist influence in non-Communist countries is believed to be caused exclusively by Communist cunning, it becomes possible to ignore the "complex situations which predispose individuals, groups, and sometimes nations to respond to the appeals of Communism." Undue emphasis on the role of propaganda in the furtherance of Soviet foreign policy "can blind one to the importance of such factors as education and scientific research that enable the USSR to build the power which makes its propaganda impressive."

Soviet achievements in outer space, for instance, have had a powerful impact on many sectors of world opinion. (Mr. Barghoorn chides the US government officials who tried to get around the launching of Sputnik by calling it "just a hunk of iron in the sky.") The author suggests that the propaganda treatment of these and other achievements is a negligible factor in influencing public opinion. To what extent, he asks, can the impact be considered evidence of propaganda effectiveness rather than simply a reflection of the fact they occurred?

In this connection, Dr. Barghoorn reminds the reader that, if positive examples of Soviet achievements can influence world opinion, so also can knowledge of Western shortcomings, "such as unjust treatment of ethnic minorities."

On the subject of disarmament propaganda, the author links the Soviet present with the Tsarist past – a procedure too seldom followed by writers in his field. He cites the message of Tsar Nicholas II to the peace conference convened at The Hague in 1899. The Tsar made a great thing of the heavy burden which the European arms race then in progress was imposing on the nations concerned. He failed to mention that Russia was bringing up the rear. "There is a long history,"

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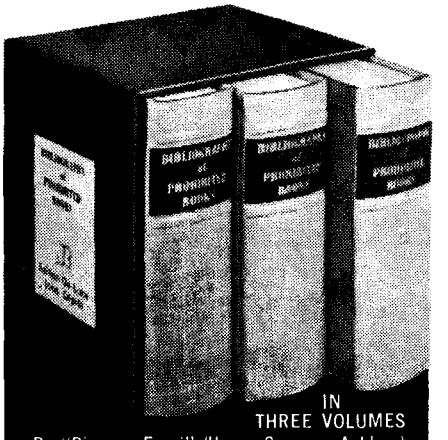

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writes Barghoorn, "of Russian proposals designed to overcome the lead possessed by rival powers in certain aspects of weaponry, without offering anything of substance on the Russian side in return for the concessions demanded from other states."

Mr. Barghoorn gives a number of examples of Soviet propaganda successes which achieve their impact "partly because of the failure of the United States and other free nations to develop positive programs to demonstrate the values of democracy." He suggests that we hold a democratic world youth festival and calls attention to the American participation – without official encouragement or disapproval – in the Communist youth festival at Helsinki in 1962. He expresses the hope that the efforts of various young Americans – some of who he describes as "highly competent" – to exploit for democratic purposes this Soviet-organized propaganda spectacle "did not go unappreciated by American policy-makers."

A "noncommittal, evasive attitude" on the part of those policy-makers will get us nowhere in countering Soviet propaganda, not to mention the uselessness of such an attitude in the matter of "developing an effective positive program of democratic action."

In the same category, Barghoorn places the tendency of American officials serving abroad to limit their contacts – sometimes exclusively – to members of the "entrenched local elites." Such officials have little or no association with leaders of reform movements or even with influential people in cultural, educational and scientific fields.

The book concludes with the recommendation that the United States, perhaps in concert with other Western nations, make an effort to project – skillfully and tactfully – an example "worthy of respect." The author is a mild, modest man, and he refrains from stern reproof. He clearly implies, however, that the American people and their government have a lot of homework to do before they have the beginning of an understanding of "men in other situations and settings, whose aspirations, moods and modes of expression may require much study" to lay the foundation for "mutually satisfactory communication."

Although the book was already written when the author made his last trip to the USSR, Professor Barghoorn has added a comment on the possible significance of the propaganda drama in which he himself unexpectedly played a starring role. Barghoorn speculates that his arrest may have been "an unusually vigorous manifestation of 'offensive' Soviet propaganda in action," intended to lend credibility to the frequent charge that American Sovietologists are really spies. The desire to discredit these experts reflects concern, Dr. Barghoorn believes, over the growth of skepticism among certain groups of Soviet intellectuals and students. He hopes that "Soviet behavior in this episode represented a deviation from a trend toward easier and freer international communication rather than a violent expression of a strategy designed to prevent objective investigation of Soviet reality by foreign scholars."

In this one case, the author may have been – quite understandably – a little less than objective. There is a more likely explanation than the one he offers – a factor of Soviet behavior which Western experts on the USSR rarely take into account.

By Russian standards – or anyone else's – a man who interrogates defectors fresh from the East and puts his findings into top secret reports for the State Department is an intelligence officer. Even a less xenophobic country than Russia might be reluctant to let a skillful foreign interrogator have access to its citizens. The curious thing is that Professor Barghoorn was ever permitted to enter the Soviet Union.

In his book, Barghoorn discusses the increasing aptness of the timing of specific Soviet propaganda drives. Many actions, however, do not reflect efficient coordination or carefully-planned timing to achieve maximum propaganda impact. Often, a development which gains worldwide attention takes place when it does because the relevant dossier has finally got into the right in-basket. This sort of situation is not peculiar to totalitarian or democratic bureaucracy or even to government. It can arise in any large organization engaged in massive paper-work and disposing of great quantities of in-and-out-baskets; or in any organization, large or small, many of whose personnel are given to withholding information from each other for a variety of motives.

I think somebody in the KGB suddenly discovered that Frederick C. Barghoorn – fluent in the Russian language, skilled in eliciting information, not a Communist, not a fellow-traveler, not even uncommitted – was wandering around loose in Moscow. *Soviet Foreign Propaganda* will do nothing to make the Russians invite him back.

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THE UNGODLY AMERICAN

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What is a person like who does not believe in God? A Roman Catholic priest gave this description in a Catholic publication recently:

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I am a humanist.

I believe that mankind has only itself to rely on and only this life with which to be concerned. I want to help build a good life for myself, my country and all society. I believe in the right of every American to worship or refuse to worship according to the dictates of his own conscience.

I am an American.

I believe in the Constitution, the Bill of Rights, and the democratic principles upon which our nation was founded. I pay taxes, vote, and take an active part in community life.

Yet my rights as a citizen are threatened by religious traditionalists and election-year politicians who depend on God to bring in the votes. Some are saying it is subversive to deny the existence of God. As a result, there are now in Congress bills that can make me a second class citizen:

- The House of Representatives has passed an amendment to the Civil Rights Bill which would exclude all atheists from the fair employment practices provisions of the bill. Thus, legislation designed to give justice to minorities is creating new injustice and a new minority!
- The House of Representatives is considering 146 proposed Constitutional amendments to put religious exercises in public schools. If passed, my children may have to choose between setting themselves against their convictions or apart from their classmates.

If the government can say that my point of view is not acceptable today, they can attack your beliefs tomorrow. And someone else's the next day. The campaign to make *me* a second class citizen can make *all* of us second class citizens . . . and the United States a third class nation.

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ART

Reprise: FDR Memorial

It seems possible that the building of a memorial to Franklin Delano Roosevelt in his capital will occupy the same kind of position in thought and time for the second half of our century as the building of Chartres did in the first half of the 13th or the building of the new St. Peter's did in the 16th. There are differences. In both those earlier enterprises the time was taken up by the sheer processes of construction, while agreement on plans, although subject to change in midstream, was not much of a problem. With us it's the other way around. If there ever is general agreement on the form of an FDR monument, the actual building will probably go very quickly. What we spend our time on is the negotiation of agreement between all interested parties. The end of the first decade of the process is now in sight – the FDR Memorial Commission was established in 1955 – and the latest round has just opened, with a decision expected soon.

The Memorial Commission, managed with great skill by its chairman, Francis Biddle, who was Roosevelt's third term Attorney General, moved surely and solidly toward obtaining the best possible design. The processes the Commission adopted and the men they chose for assistance at every stage have furnished a model for government usage in art and that very fact itself has probably generated some of the opposition. For the Commission went out of its way at every step to get the advice of outstanding architects, landscape men and even a museum director. From their advice came an unusually wide open competition, with a group of finalists commissioned and paid to bring their designs to further development and from these was selected, again by a jury of the highest professional qualifications, the winning design, the now well-known group of monumental stelae by Pederson and Tilney with the sculptor Norman Hoberman, designed to bear the words of Roosevelt and immediately christened by the Yahoo press as "instant Stonehenge."

The Memorial Commission agreed with the jury's choice, asking only that an actual statue of Roosevelt be added and the arrangement of the great stelae suitably modified to contain it. The Fine Arts Commission – the old one – rejected the design; the new Fine Arts Commission, headed by William Walton, the painter, and including a more distinguished group of professionals than that body has ever had, asked that the design be restudied by its creators with special reference to the scale of the relatively nearby Lincoln and Jefferson Memorials. Both these requests have now been met and the new design has been submitted to the Fine Arts Commission, whose verdict is expected the fourth week in June. The Fine Arts Commission is strictly advisory, but no one has ever really tested that. Under the present Congressional status of the project, Congressional approval may be assumed if the revisions meet the approval of Fine Arts, but since the Memorial Commission will have to return to Congress to get the money, there will have to be another decision by the legislators in any case.

Judge Biddle opened the new round with an attempt to throw the Fine Arts Commission off balance: he urged that the chairman, Mr. Walton, disqualify himself and take no part in the proceedings. The grounds for this request were that Mr. Walton, last March, published an article in *The New York Times Magazine* about Washington memorials and monuments in which he said of the winning design that it "will probably never be built, at least not in Washington." Judge Biddle interpreted this to mean that Chairman Walton had pretty well made up his mind to reject the altered design even while the work was in progress. Mr. Walton declined to disqualify himself and reported that his Commission agreed with him that the sentence in the *Times* piece referred only to the design already rejected, not to any modification of it.

As a member of bench and bar, Judge Biddle was applying a severe standard to Mr. Walton's public statements in advance on a matter in which he sat in judgment. As in the first place an artist and art person and in the second a Presidential appointee, Mr. Walton was, on both counts, accustomed to a somewhat looser interpretation of con-

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flict of interest. The Communications Commission, for example, more or less automatically has handed a television monopoly to the family-owned enterprises of President Johnson with no thought that any explanation was desirable. In both houses of Congress it seems to be normal procedure for members to deal as legislators with matters in which they and their families have direct and immediate, not to say urgent, financial interest. In the art world it is a custom of long standing for art consultants to pass freely from that paid role to the opposite role of critical evaluator, for editors to get in on the ground floor of a new mode they then beat drums for, and for presumably independent judgments to be on the payroll of commercial galleries. Against the standards of both those worlds, Chairman Walton's very mild conflict obviously seemed none at all. It was indiscreet but not really an indiscretion. His defense is ingenuous, but deserves to be taken as a pledge of honest reconsideration.

Meanwhile, the experience at the Fine Arts Commission hearing of going through a series of mock-up photographs of the new design in place, along the Potomac between the Jefferson and the Lincoln Memorials on ground now occupied in part by CIA temporary structures, was as exhilarating as the first exposure to the original design. The modifications to meet the wishes of both commissions have actually improved the design. Stonehenge can probably still be suggested by the great stelae but there would seem to be nothing particularly wrong about that. Washington is full of memorials and other buildings which suggest the Roman Forum, the Greek Acropolis and the Egyptian desert. Why should the ancient Britons be discriminated against? Actually, though, just as a great deal of contemporary architecture is designed first of all to photograph well, so here the Stonehenge recollection is probably a matter of photographic similarity only. The shapes here are not really much like those on Salisbury Plain. They are indeed stelae, the classic Greek-Roman form for memorials of the dead. By their size, they memorialize a man who loomed large and still does in our century and in the history of our country. The statue, as yet uncommissioned, will be three times life-size, as is that of Jefferson. But unlike that, the heroic sculpture will not be boxed in by a small temple: it will stand free, open to sky, earth and water, surrounded by the expressions of the mind that so shaped our times. In the new model, redesigned to bring the highest point down below the top of the Lincoln Memorial and far below the obelisk for George Washington, the presence of the focal point of the statue has created a new recollection, not perceptible in the first version. That is the 20th Century American city, with its tall, flat buildings, the complex originally given us in Rockefeller Center and since subject to infinite variations.

In existence, too, the FDR Memorial will offer the same kind of space to be walked through, across, around, to be experienced visually and kinetically. In the depths of the Depression, if you remember, the building of Rockefeller Center had much the same effect on New Yorkers as President Roosevelt, from his first public words, had on America at large. The reference is apt.

The Fine Arts Commission ought to approve the new design for many reasons. One is that this open process of finding the best deserves commendation as against the closed process, still in wide use in the government, of handing out monument awards as if they were Postmasterships. More important, the design offers a new kind of monumental beauty and inspiration eminently suitable to its subject who brought us into a new world. FRANK GETLEIN

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Hemingway and Hammett

Sirs:

In his overfull review of *A Moveable Feast* ("Paris and Hemingway in the Spring," May 9), Stanley Kauffmann regurgitates a critical chestnut, to wit: "Hemingway was the obvious stylistic father of Dashiell Hammett, as Hammett was of Chandler and of much lesser writers in the *genre*." (What *genre*? But let that go.) This assertion begs entire the complex question of literary influence; and it ignores facts.

Hammett was five years older than Hemingway and his exact literary contemporary. By 1923, at a time when Hem (not yet a papa) was known but to a handful of little review readers in Paris, Hammett was creating his uniquely characteristic detective stories for the *Black Mask* magazine, entertaining thousands of readers and influencing dozens of writers both in America and England. Three of his novels, including *The Maltese Falcon*, were originally serialized in the same magazine between 1926 and 1929.

Raymond Chandler, who unlike the critics had read the *Black Mask* (which published his first story in 1933), years ago pointed out that Hammett was the acknowledged master of a group of writers and "the only one who achieved critical recognition, but not the only one who wrote or tried to write realistic mystery fiction." Carroll John Daly, for example, would be a more likely "stylistic father" for Hammett; he was writing *Black Mask* stories in the so-called "hard-boiled" manner as early as 1920 and 1921. There is evidence that in these same years Hemingway himself tried to sell short stories to pulp magazines such as *Argosy*. In *A Moveable Feast* he incidentally reveals that he was a learned *aficionado* of serial crime stories in American periodicals. As Chandler cogently remarked: "There is nothing in Hammett's work that is not implicit in the early novels and short stories of Hemingway. Yet for all I know, Hemingway may have learned something from Hammett."

It seems not unlikely. In *Death in the Afternoon* Hemingway tells of the time his eyes were bad and he was read to aloud from Hammett's *The Dain Curse*. This incident, rare as a direct reference to a contemporary writer, is mockingly related at Hammett's expense. But as Kauffmann suggests, Hemingway at times seemed "deeply impelled" to ridicule "those to whom he was indebted."

Thomas Sturak
University of California

Policing the Protests

Sirs:

Mr. Bickel was, as usual, illuminating on the subject of Negro protest ("After a Civil Rights Act," May 9), but I wonder whether all the demands made by the New York CORE chapters were as impossible as he argues.

They asked that the city support rent strikes when the building code is clearly being violated, on the report of its own inspectors. Landlords would not have city police available to evict strikers before a court could rule on the tenants' grievances.

Likewise, a civilian review board to investigate complaints of police brutality is hardly asking that "churches and the like" run the police department. The greater danger, in such cases, is that civilians will bend over backwards to avoid being unfair to the policeman "just doing his job," or, at any rate, tend to accept the plausible police explanation, with its professional rationale, over the confused statements of some unlucky Negro or Puerto Rican.

Paul Velde
Brooklyn, N.Y.

While Mr. Bickel may be right that the "newer militants" in the civil rights movement are making some "impossible demands," the request for creation of a public review board to investigate complaints of police brutality is surely not one of them. We have very little experience with civilian (as opposed to departmental) boards, mainly because of determined police opposition, but they do exist and serve a useful function. Philadelphia has had such a board since October 1958; Rochester, N.Y., has recently adopted a charter provision on the subject; and several other large cities are now actively considering similar arrangements. In its first two years of operation the Philadelphia board received 107 complaints of bru-

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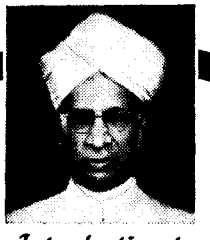

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tality, harassment, and illegal arrest or search and seizure. In a number of cases satisfaction was obtained without recourse to a formal hearing. About half of the cases that reached the hearing stage resulted in recommendations for disciplinary action against the offending officers.

The suggestion of the Brooklyn CORE chapter that the selection of such a board should be in the hands of civil liberties and church groups is, of course, a naïve one. A police review board that was not selected by public officials would get no cooperation from the police, in the unlikely event that it proved politically possible to set one up on a privately-organized basis. But I doubt that even the "newer militants" would spurn a civilian board authorized by the city council.

Herbert L. Packer
University of Pennsylvania

Mr. Moritz's article "The Militants" (May 9) contains distortions. On April 24, 50 state troopers marched into Negro slums to disperse unlawful demonstrators. They began black-jacking Negroes after they and local police were spat upon and hit by bricks, boards and stones. Thirty to 50 store windows were broken by brick-throwing demonstrators, and there was almost $100,000 damage to property. The Negroes comprise about 43 percent of Chester's population, not one-third as stated in the article.

Anthony Cocchi
Chester, Pennsylvania

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